

Message Text

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ACTION EUR-12

INFO OCT-01 EA-07 NEA-10 ISO-00 CIAE-00 DODE-00 PM-04 H-01
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AMEMBASSY BONN
AMEMBASSY BRUSSELS
USMISSION USEC BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY THE HAGUE
AMEMBASSY HELSINKI
AMEMBASSY LONDON
USMISSION NATO
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY REYKJAVEK
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY TEL AVIV
AMEMBASSY TOKYO
AMEMBASSY WARSAW

C O N F I D E N T I A L MOSCOW 19982

TEL AVIV FOR AMBASSADOR

E.O. 11652: GDS
TAGS: PFOR, LOS, EC, EFIS, UR, NO, SW
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SUBJECT: SOVIET DECREE ON INTERIM 200 MILE FISHING ZONE

REF: (A) MOSCOW 19604, (B) EC BRUSSELS 12174, (C) MOSCOW 17461

1. SUMMARY. OUR INITIAL REACTION TO SOVIET FISHING
ZONE DECREE IS THAT ACTION IS PRIMARILY POLITICAL,

AIMED IMMEDIATELY AND SPECIFICALLY AT EC NINE DECISION TO FORCE NON-MEMBERS TO NEGOTIATE WITH COMMISSION. IN BROADER TERMS, HOWEVER, DECREE INDICATES SOVIET REALIZATION OF INADEQUACY OF THEIR POLICY UP TO NOW TO DEAL WITH PROLIFERATION OF NATIONAL ZONES WITH CONSEQUENT LIMITATIONS ON SOVIET ACCESS TO WORLD OCEAN. END SUMMARY.

2. SOVIET COUNCIL OF MINISTERS DECLARATION OF 200 MILE ZONE FOR "PROTECTION, REPRODUCTION AND OPTIMAL UTILIZATION OF LIVING RESOURCES" IN ADJACENT WATERS STRIKES US AS PRIMARILY A POLITICAL ACT WHICH IS DESIGNED LESS TO PROTECT FISHING RESOURCES IN SOVIET AREAS THAN TO DEFEND TRADITIONAL SOVIET POSITION OF MAXIMUM ACCESS TO WORLD OCEAN FOR SOVIETS BY PROVIDING NEGOTIATING LEVERAGE, HOWEVER WEAK, AGAINST STATES WITH WHOM SOVIETS NOW SEE THEY MUST DEAL ON THIS ISSUE.

3. IN A SENSE, THEREFORE, MOVE SHOULD BE VIEWED AS TACIT SOVIET ADMISSION OF INADEQUACY OF TRADITIONAL POLICY FOCUSED ON MAINTAINING OPEN SEA AREAS UNRESTRICTED BY NATIONAL JURISDICTIONS. AS MAJOR POWER WITH MINIMAL COASTLINES AND MARGINALLY VALUABLE (EXCEPT IN PACIFIC) COASTAL WATERS, TRADITIONAL APPROACH HAS BEEN, AND WILL CONTINUE TO BE, NECESSARY AND EXPEDIENT ELEMENT IN SOVIET OCEAN POLICY. DEC 10 UKAZ, HOWEVER, MARKS SIGNIFICANT DEPARTURE FROM THIS POLICY AS SOVIETS FEEL PRESSURE OF COMING NEGOTIATIONS WITH MANY MAJOR FISHING STATES.

4. BEST EVIDENCE THAT DECISION WAS POLITICALLY MOTIVATED IS CONFIDENTIAL

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FOUND IN WORDING OF ACT ITSELF WHICH STATES THAT ACTION FORCED BY TREND AMONG OTHER STATES, PARTICULARLY THOSE ADJACENT TO USSR, TO ESTABLISH SIMILAR ZONES AND THAT SOVIET ZONE IS INTERIM PROCEDURE PENDING SUCCESSFUL CONCLUSION OF LOS CONFERENCE. THERE IS NO REFERENCE TO PRESENT DANGER TO LIVING RESOURCES. ALSO, AS NOTED IN REF A, SOVIET MINISTRY OF FISHERIES WAS APPARENTLY TAKEN COMPLETELY BY SURPRISE, WHICH WOULD NOT HAVE HAPPENED IF FISHING CONSIDERATIONS HAD PLAYED ROLE IN ISSUANCE OF DECREE.

5. OUR INITIAL IMPRESSION IS THAT IMMEDIATE CAUSE OF SOVIET ACTION WAS FAILURE TO MAKE ANY HEADWAY AGAINST EC NINE IN DEVELOPMENT OF BILATERAL APPROACHES ON EC FISHING ZONE. ANNOUNCEMENT CAME JUST AFTER EC HAD DECIDED TO ESTABLISH INTERIM REGIME JANUARY 1 REQUIRING THAT NON-EC STATES EVENTUALLY NEGOTIATE ACCESS TO EC ZONE WITH COMMISSION AND NOT WITH INDIVIDUAL MEMBER

STATES. SOVIET DECREE WAS ANNOUNCED ALSO ONLY THREE DAYS BEFORE SCHEDULED EC COUNCIL OF MINISTERS MEETING TO DECIDE PARTICULARS OF NON-MEMBER FISHING PRIVILEGES IN PLANNED EC ZONE. SUCH TIMING IS NOT COINCIDENCE WHERE SOVIETS ARE INVOLVED.

6. FURTHERMORE, IT IS NOTEWORTHY THAT ALTHOUGH SPECIFICS ABOUT TIMING AND METHOD OF IMPLEMENTATION WERE VAGUE OR MISSING, THERE IS NO DOUBT THAT, AS DECREE STATES, "FORMAL OR OTHER AGREEMENT BETWEEN USSR AND FOREIGN STATES" IS NEEDED AND "CATCH QUOTAS" MUST BE ESTABLISHED FOR FISHING IN SOVIET ZONE. THIS APPEARS TO RULE OUT TEMPORARY REGIME WITH EXTENSION TO FOREIGNERS OF FISHING RIGHTS BASED ON TRADITIONAL CATCHES AND WITHOUT SPECIFIC AGREEMENTS (I.E., EC NINE'S APPROACH FOR INTERIM REGIME). THIS INDICATES TO US THAT SOVIETS MAY SELECTIVELY ATTEMPT TO FORCE ISSUE, MAKING INDIVIDUAL STATES DEAL WITH THEM NOW OR RISK IMMEDIATE CONFIDENTIAL

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LOSS OF FISH CATCHES. SINCE DECLARATION OF JAPANESE FISHING ZONE WAS NOT IMMINENT BEFORE SOVIET DECLARATION AND SINCE U.S. AND NORWAY HAVE APPARENTLY DEFUSED FISHING ISSUE WITH SOVIETS BY BILATERAL AGREEMENTS, OBJECT OF THIS ARTICLE IN DECREE APPEARS TO BE EC STATES (REF B SUGGESTS FRENCH AND FRG IN PARTICULAR).

7. ADDITIONAL INDICATOR THAT SOVIETS HAVE AIMED THEIR SHOT AT CAREFULLY DEFINED TARGET IS THAT NORWEGIAN EMBASSY HERE HAS BEEN REASSURED BY SOVIETS THAT NORWEGIAN VESSELS CAN CONTINUE FISHING WITHIN NEW ZONE UNTIL IMPLEMENTATION OF DECREE IS WORKED OUT BY COUNCIL OF MINISTERS. NORWEGIANS BELIEVE DELIMITATION OF FISHERY ZONE OF ITSELF COULD BE EASILY RESOLVED, BUT THEY ARE CONCERNED THAT QUESTION OF BARENTS SEA CONTINENTAL SHELF DISPUTE WILL BECOME INVOLVED SINCE FISHING ZONES COULD SET PRECEDENT FOR CONTINENTAL SHELF LIMIT. NORWEGIANS SHOULD GET EARLY READING OF SOVIET INTENTIONS, HOWEVER, BECAUSE SOVIET DELEGATION IS IN OSLO NOW TO NEGOTIATE TECHNICAL ARRANGEMENTS FOR SOVIET FISHING WITHIN NORWEGIAN 200 MILE ECONOMIC ZONE WHICH TAKES EFFECT JANUARY 1.

8. SUCH DEPARTURES FROM FIXED SOVIET POLICIES, HOWEVER, ARE NOT USUALLY MADE FOR LIGHT OR TRANSIENT REASONS. THUS, ALTHOUGH EC ACTION APPEARS TO HAVE BEEN PROXIMATE CAUSE OF SOVIET MOVE, THERE IS NEVERTHELESS SOME EVIDENCE THAT SOVIETS WERE COOKING SOME SUCH MOVE OVER SOMEWHAT LONGER PERIOD. SWEDISH EMBOFF EXPERT IN SEA LAW MATTERS REPORTED TO US IN NOVEMBER THAT DURING

MID-OCTOBER CONVERSATIONS WITH MFA TREATY AND LEGAL
DEPARTMENT HEAD KHLESTOV AND WITH MARITIME BOUNDARY
SPECIALISTS IN MFA GENERAL POLITICAL AFFAIRS ADMINIS-
TRATION HE HAD RECEIVED CLEAR IMPRESSION THAT THEY
HAD HIGHER-LEVEL INSTRUCTIONS TO DO THE GROUNDWORK FOR
A CHANGE IN SOVIET POLICY, PROMPTED LARGELY BY
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GENERALIZED FEAR THAT SOVIET ACCESS TO OPEN SEAS WAS
BEING PREEMPTED BY SPATE OF UNILATERAL MOVES BY OTHERS
TO ESTABLISH ECONOMIC ZONES. IN THIS CONNECTION--THE
TIMING FITS--WE NOTE VEHEMENCE OF GROMYKO'S REMARKS
(REF C), TO CANADIAN FONMIN JAMIESON OCT 28: "ARE YOU
NOT GOING TO LEAVE US A SINGLE PIECE OF OCEAN?"

9. SWEDES HAVE BEEN NEGOTIATING WITH SOVIETS SINCE
1960 ON DEFINITION OF CONTINENTAL SHELF IN BALTIC, AND
RECENT MOVES MAY BRING THIS SIDE ISSUE TO A HEAD TOO,
SINCE NEED TO DEFINE FISHING ZONES IN BALTIC WITH ALL
BALTIC STATES COULD PUSH STALLED TALKS FORWARD BY
PROVIDING SOLUTIONS WHICH CAN BE ADAPTED TO DETERMINATION
OF CONTINENTAL SHELF. ACCORDING TO SWEDISH
EMBASSY HERE, MAJOR STUMBLING BLOCKS THUS FAR HAVE BEEN:

--SOVIET POSITION THAT USSR TERRITORY ADJACENT
TO BALTIC IS LARGER THAN SWEDISH ADJACENT AREAS AND
SOVIET EXPLOITATION OF SHELF GREATER, THEREFORE,
SOVIETS HAVE RIGHT TO LARGER SEGMENT OF SHELF THAN
SWEDEN;

--SOVIET POSITION THAT ONLY COASTLINES HAVE
CONTINENTAL SHELF, SO THAT SWEDISH ISLANDS IN BALTIC
(MAINLY GOTLAND) HAVE NO SHELF REGARDLESS OF SIZE; AND

--SOVIET POSITION THAT CONTINENTAL SHELF AREA
SHOULD BE MEASURED FROM BASELINES USED IN DETERMINING
TERRITORIAL WATERS, IN KEEPING WITH RELEVANT SOVIET
LAWS (DECREE OF 5 AUG 1960 WITH 1971 ANNEX, CF.
SBORNIK ZAKONOV SSSR, 1938-1967, VOL I), ALTHOUGH
SOVIETS REFUSE TO REVEAL WHAT BASELINES THEY ACTUALLY USE. MATLOCK

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